

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION
FILED
JUL 15 2005
CLERK, U.S. DISTRICT COURT
By *dg* Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALFRED LEE STONE,

Petitioner,

v.

JOHN WILEY PRICE, ET AL.,

Respondents.

Civil Action No. 3:05-CV-1291-L

ORDER

Petitioner Alfred Lee Stone (“Petitioner” or “Stone”) seeks a writ of mandamus to compel the Dallas County Commissioner’s Court to pay court reporter fees for a transcript of his state criminal trial. This action was referred to the United States magistrate judge for proposed findings and recommendation. On June 27, 2005, the Findings and Recommendation of the United States Magistrate Judge (“Report”) were filed. Stone filed his Written Objection to Recommendation (“Objection”) on July 11, 2005.

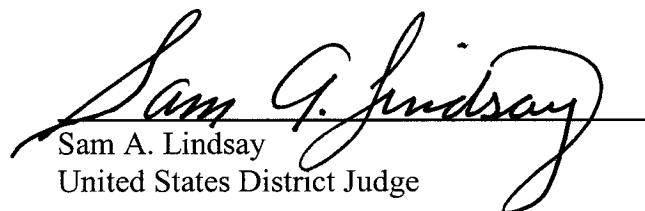
The magistrate judge found that Stone has a long history of filing frivolous lawsuits. He also found that Stone has been barred from filing any future civil actions unless the suit is accompanied by the entire filing fee for civil actions or five dollars for a habeas corpus petition and written permission to file from a United States District Court, magistrate judge, or judge of a United States Court of Appeals.¹ As Stone has neither paid the statutory filing fee nor sought permission to file this case, the magistrate judge recommends that his writ of mandamus be unfiled. Stone objects to the magistrate judge’s recommendation contending that his other cases should not be used as grounds

¹See *Stone v. Johnson*, No. H-00-1496, or. at 3 (S.D. Tex. June 14, 2000).

for unfilling his writ of mandamus, as his other cases were not reviewed on the merits. Objection at 1.

After making an independent review of the pleadings, objection, file and record in this case, and the findings and recommendation of the magistrate judge, the court determines that the findings of the magistrate judge are correct. They are therefore accepted as those of the court. Petitioner's Objection is **overruled**. Accordingly, the district clerk is **ordered to unfile** Petitioner's Writ of Mandamus, filed June 17, 2005. This action is **dismissed without prejudice**.

It is so ordered this 15th day of July, 2005.



Sam A. Lindsay
United States District Judge

CLOSED

Case Number: **3:05-CV-1291-L**

Date: July, 15, 2005

TRIAL: NO